

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FRANCIS GRANDINETTI,)	CIV. NO. 19-00634 DKW-RT
#A0185087,)	
)	DISMISSAL ORDER
Plaintiff,)	
)	
vs.)	
)	
MITCHELL D. ROTH, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Before the court is pro se Plaintiff Francis Grandinetti's prisoner civil rights Complaint and exhibits. The Complaint names Honolulu City and County and Hawaii County prosecutors who have apparently had some connection to Grandinetti's 1993 conviction, although it contains no discernible claims. Exhibits attached to the Complaint suggest that Grandinetti challenges his transfers from Hawaii to numerous Mainland prison facilities since approximately 1998 and seeks information on his legal status as a Hawaii state prisoner.

Grandinetti has accrued three strikes pursuant to 28 U.S.C. § 1915(g),¹ and may not proceed without prepayment of the filing fee unless his pleadings show

¹See, e.g., *Grandinetti v. FTC Seg. Unit Staff*, 426 F. App'x 576 (9th Cir. 2011); *Grandinetti v. Abercrombie*, Civ. No. 15-00007 LEK-RLP (D. Haw. 2015); *Grandinetti v. Shimoda*, Civ. No. 05-00442 JMS-BMK (D. Haw. 2005); *Grandinetti v. Stampfle*, Civ. No. 05-00692 HG-LEK (D. Haw. 2005).

that he was in imminent danger of serious physical injury at the time that he brought this action. *See Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1055 (9th Cir. 2007). Nothing within the record remotely suggests that Grandinetti is or was in imminent danger of serious physical injury when he filed this action, particularly by any conduct of the named Defendants, or that there is a continuing practice that injured him in the past that poses an “ongoing danger.” *Id.* at 1056.

Grandinetti’s request to proceed in forma pauperis is DENIED, and this action is DISMISSED without prejudice. This does not prevent Grandinetti from moving to reopen the present action, or from refiling a new action raising these “claims,” with concurrent payment of the civil filing fee. The Clerk is DIRECTED to terminate this case and enter judgment. The Court will take no further action beyond processing a notice of appeal.

IT IS SO ORDERED.

DATED: December 9, 2019 at Honolulu, Hawai‘I



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge